

Senate bill No. 114, "An Act requiring all railway corporations operating a line of railway in the State of Texas to place switch lights on all their main line switches and to keep the same lighted from sunset to sunrise, and requiring all railway corporations operating a line of railway in the State of Texas to place derailing switches on all sidings connecting with the main line and upon which sidings cars are left standing, and providing penalties and remedies for the violation of the provisions of this act, and declaring an emergency,"

And find the same correctly enrolled, and have this day, at 4:55 p. m., presented the same to the Governor for his approval.

HALE, Chairman.

Committee Room,  
Austin, Texas, March 23, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 141, A bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Beaumont, to grant it a special charter and to fix its boundaries,' passed by the Twenty-sixth Legislature, Chapter 12, of the Special Laws of the said Legislature, approved May 12, 1899, by amending Sections 28 and 36 of said act, and by adding thereto Sections 28a, 28b, 28c, 28d, 28e, 28f, 28g, 36a, 36b, 36c, 36d, 36e, 36f, 36g, 36h, 36i and 36j, defining the jurisdiction and power of the city council with reference to streets, alleys, public grounds and highways; and the duty of said council in letting contracts for works of improvement and public work, in the said city of Beaumont, and by said additional sections defining the jurisdiction of the city council and liability of the citizens of said city with reference to the construction of sidewalks and pavements on the public streets and highways of said city; and providing a general system to secure the construction of sidewalks and pavements on public streets and highways of the said city, and the manner whereby due and proper proceedings may be had in order to fix the liability of property owners in respect to such sidewalks and pavements; and providing a method for the collection of such amounts as may become due the city in this connection; and declaring an emergency."

And have this day, at 4:45 o'clock p. m., presented the same to the Governor for his approval.

HALE, Chairman.

#### FORTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas, Tuesday, March 24, 1903

Senate met pursuant to adjournment.  
Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.
Harper.	

#### ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.  
W. E. DeLemar.  
R. L. Gilmore.  
Amos Wynne.  
W. M. Cobb.  
Eldred McKinnon.  
Mrs. Laura V. Grinnan.  
F. P. Smith.  
C. H. Allen.  
D. F. Hughes.  
Frank Mullins.  
C. J. Kirk.  
Rev. I. S. Davenport.  
Miss May Fant Odom.  
J. C. Son.  
Miss Georgia Sturgiss.  
Miss Hattie Yarbrough.  
Mrs. Hope M. Hawkins.  
Miss Emily Holcomb.  
Mrs. J. R. Van Orden.  
Miss Bessie Goldstein.  
Miss L. Stanley.  
W. T. Pace.  
W. A. Shaw, Jr.  
Lucien Goss.  
H. Davenport.  
Chas. Lane.  
Willis Gibson.  
Henry Paulus.  
Evetts Thornhill.  
Walter Savage.  
Willie Gray.  
Jamie Snipes.  
Ed Underhill.

Will Bartley.  
 Reed Pierson.  
 Josh Pyles.  
 Dan Edwards.  
 Ellis Munroe.  
 Albert Hill.  
 Mark Marsh.  
 Jas. Hill.

Absent.

Miss Lucy Lane.

Absent—Excused.

James Sebastian.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Patteson, the same was dispensed with.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
 Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 181, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other property of the Gulf, Beaumont & Kansas City Railway Company, and of the Gulf, Beaumont & Great Northern Railway Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado & Santa Fe Railway Company as part of its own line, with the right to extend the said roads, or either of them, and to construct branches therefrom by amendment of its charter under the general laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said properties, to sell the same to the Gulf, Colorado & Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado & Santa Fe Railway Company of the railroads and other properties of said two other companies," with amendments.

Senate bill No. 53, A bill to be entitled "An Act to amend Articles 128 and 129, Chapter 1, of the Revised Statutes of the State of Texas, relating to the apprehension of lunatics, and authorizing the county judge to fix the place of trial at the residence of the lunatic," with amendments.

House bill No. 594, A bill to be entitled "An Act to create a more efficient road

system for Cherokee county, Texas, and requiring the commissioners court to appoint a road foreman for each precinct; prescribing their duties, providing compensation for their services, and requiring that they give bond; providing that the overseers shall summon hands to bring teams, tools, etc., to perform work on the roads; providing compensation for overseers, teams, tools, etc.; providing for the working of county convicts on the public roads; fixing the compensation for such service; providing guards, board, lodging and medical aid for same; giving rewards for the capture of escaped convicts; and giving commutation of sentence for faithful or meritorious service; providing for a special road tax and requiring that no part of the road and bridge fund or of the special road tax created by this act shall ever be diverted to any other purpose; repealing Chapter 70, Acts of the Regular Session of the Twenty-seventh Legislature, and declaring an emergency," with engrossed rider.

Senate bill No. 180, A bill to be entitled "An Act to authorize the St. Louis, San Francisco & Texas Railway Company to purchase, own and operate as a part of its line, the railroad of the Red River, Texas & Southern Railway Company, together with all its franchises, property, rights and privileges; the railroad of the Fort Worth & Rio Grande Railway Company, together with all its franchises, property, rights and privileges; the railroad of the Paris & Great Northern Railroad Company, together with all its franchises, property, rights and privileges; the railroad of the Blackwell, Enid & Texas Railway Company, together with all its franchises, property, rights and privileges, and the railroad of the Oklahoma City & Texas Railway Company, together with all its franchises, property, rights and privileges; or either or any of such railroads, with all of its or their franchises, property, rights and privileges of every kind and character; and to authorize said companies and each or any of them to sell and convey all of its or their said railroads constructed or to be constructed, and all other properties, rights, franchises and privileges, and to authorize said St. Louis, San Francisco & Texas Railway Company to issue and negotiate its bonds, secured or to be secured by mortgage or mortgages to the amount of the value of the railroads, franchises, property, rights and privileges so purchased, and to the amount of the value of any railroad hereafter constructed by it under the provisions of this act, as fixed, or as the same may be fixed by the Railroad Commission of Texas, and to

regulate the reports of said property, and the operation thereof, and to authorize said St. Louis, San Francisco & Texas Railway Company to construct, own and operate as a part or parts of its lines, the unfinished portion or portions of said railroads or either or any of them between the termini as defined in their respective charters; and to construct, own and operate as a part or parts of its line all extensions and branches of said railroads or either or any of them under or as authorized in and by the charter of said St. Louis, San Francisco & Texas Railway Company or any amendment thereof, made or to be made in pursuance of the General Laws of the State of Texas; and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent; and to authorize said companies, and each of them, to execute all necessary contracts, agreements and conveyances to accomplish said purchases and sales."

House bill No. 475, A bill to be entitled "An Act making it unlawful for the owner, agent, lessee, receiver or operator of any mine in this State to employ or permit any person to work therein unless at least two openings are provided in connection with each stratum or seam of ore or coal, and providing a penalty for the violation of the provisions thereof, and declaring an emergency."

House bill No. 583, A bill to be entitled "An Act to create a more efficient road system for Houston county; taking Houston county out of the list of exempted counties of Chapter 6, Articles 4763 to 4765a, Act of 1895, except as otherwise specified in this act."

House bill No. 441, A bill to be entitled "An Act to amend Subdivision 2, of Article 4580, of the Revised Civil Statutes of the State of Texas, relating to passenger train service; and to enlarge the powers of the Railroad Commission."

House Concurrent Resolution No. 27, Requesting the Governor to return House bill No. 406 for correction.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

EXCUSED.

On motion of Senator Patteson, Senator Willacy was excused from attendance upon the Senate for Saturday and Monday, on account of important business.

#### BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Neal) had read and referred, after their captions had been read, the following House bills:

House bill No. 441, A bill to be entitled "An Act to amend Subdivision 2, of Article 4580, of the Revised Civil Statutes of the State of Texas, relating to passenger train service; and to enlarge the powers of the Railroad Commission."

Referred to Committee on Internal Improvements.

House bill No. 475, A bill to be entitled "An Act making it unlawful for the owner, agent, lessee, receiver or operator of any mine in this State to employ or permit any person to work therein unless at least two openings are provided in connection with each stratum or seam of ore or coal, and providing a penalty for the violation of the provisions thereof, and declaring an emergency."

Referred to Committee on Labor.

House bill No. 583, A bill to be entitled "An Act to create a more efficient road system for Houston county; taking Houston county out of the list of exempted counties of Chapter 6, Articles 4763 to 4765a, Act of 1895, except as otherwise specified in this act."

Referred to the Committee on Roads, Bridges and Ferries.

#### HOUSE CONCURRENT RESOLUTION NO. 27.

The Chair laid before the Senate, House Concurrent Resolution No. 27, Requesting the Governor to return House bill No. 406 for correction.

The resolution was read and adopted. Morning call concluded.

#### HOUSE BILL NO. 331.

On motion of Senator Davidson of DeWitt, pending business (Senate bill No. 158) was suspended, and the Senate took up, out of its order, House bill No. 331.

The Chair laid before the Senate, on its second reading,

House bill No. 331, A bill to be entitled "An Act to prohibit any corporation not created under the laws of the State of Texas from constructing, building, operating or maintaining a railway within the State of Texas."

Senators Davidson of DeWitt and Stafford offered the following amendment:

"Amend by adding: 'Section 3. The crowded condition of the calendar and the near approach of the adjournment of the present session of the Legislature creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and be in force from and after its passage, and it is so enacted.'"

The amendment was adopted.

Senators Davidson of DeWitt and Stafford offered the following amendment:

"Amend line 17, page 1, by adding after the word 'Texas' the words 'and providing for an emergency.'"

The amendment was adopted.

Senator Davidson of DeWitt offered the following amendment:

"Amend by adding after the word 'operate,' in line 13, the words 'acquire' own.'"

The amendment was adopted.

The bill was read second time, and passed to a third reading.

On motion of Senator Davidson of DeWitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Beaty.	Lipscomb.
Brachfield.	Martin.
Cain.	McKamy.
Davidson of	Mills.
DeWitt.	Morris.
Decker.	Patteson.
Douglass.	Paulus.
Faubion.	Perkins.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	Stafford.
Hanger.	Willacy.
Hicks.	Wilson.
Hill.	

Absent.

Davidson of	Harbison.
Galveston.	Harper.
Hale.	Henderson.

The bill was read third time, and passed by the following vote:

Yeas—27.

Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Sebastian.
Grinnan.	Stafford.
Hale.	Willacy.
Hanger.	Wilson.
Harper.	

Absent.

Beaty.	Henderson.
Harbison.	Savage.

Senator Davidson of DeWitt moved to reconsider the vote by which the bill was

passed, and to lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 101.

On motion of Senator Paulus, pending business (Senate bill No. 302) was suspended, and the Senate took up, out of its order, Senate bill No. 101.

The Chair laid before the Senate, on its second reading,

Senate bill No. 101, A bill to be entitled "An Act to amend Article 1132, Title XV, of the Code of Criminal Procedure of the State of Texas, relating to fees to be allowed county and district attorneys."

Senator Paulus offered the following amendment:

"Amend caption by adding after the word 'attorneys,' on line 9, page 1, 'and declaring an emergency.'"

The amendment was adopted.

Senator Paulus offered the following amendment:

"Amend by adding Section 2:

"Section 2. The fact that the present law is uncertain and indefinite creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage and it is so enacted."

The bill was read second time, and passed to a third reading.

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Brachfield.	Harper.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Beaty.	Patteson.
Henderson.	

The bill was read third time, and passed by the following vote:

## Yeas—28.

Brachfield.	Harper.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.

## Absent.

Beaty.	Patteson.
Henderson.	

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## PRIVILEGED MOTION.

Senator Faust called up Senate bill No. 53, and moved that the Senate concur in the following House amendments:

"Amend by striking out all of line 19, on page 2, after the word 'matter,' and by striking out all of lines 20, 21 and 22.

"Amend by striking out the word 'may,' in line 15, page 2, and insert in lieu thereof the word 'shall.'"

The motion to concur prevailed.

## HOUSE BILL NO. 255.

On motion of Senator Hicks, pending business (Senate bill No. 302) was suspending, and the Senate took up, out of its order, House bill No. 255.

Th Chair laid before the Senate, on its second reading,

House bill No. 255, A bill to be entitled "An Act to confirm sales and awards of public school and asylum lands sold prior to the adoption of the Act approved April 19, 1901, and since the creation of the Act of 1887; to quiet titles to the same, and to provide for the issuance of patents thereto."

The bill was read second time, and passed to a third reading.

On motion of Senator Hicks, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Beaty.	Davidson of
Brachfield.	DeWitt.
Cain.	Decker.

Douglass.	Lipscomb.
Faubion.	McKamy.
Faulk.	Mills.
Faust.	Patteson.
Hale.	Paulus.
Hanger.	Savage.
Harbison.	Sebastian.
Harper.	Stafford.
Hicks.	Willacy.
Hill.	Wilson.

## Nays—1.

Martin.

Present—Not voting.

Perkins.

## Absent.

Davidson of	Henderson.
Galveston.	Morris.
Grinnan.	

The bill was read third time, and passed by the following vote:

## Yeas—28.

Beaty.	Harper.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Perkins.
Faulk.	Savage.
Faust.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.

## Absent.

Grinnan.	Paulus.
Henderson.	

Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## PRIVILEGED MOTION.

Senator Beaty called up Senate bill No. 181, and moved that the Senate concur in the following House amendment:

"Amend by adding at the end of Section 6, after the word 'company,' in line 11, page 5, of the printed bill, the following: 'Any purchase or lease authorized by this act shall be valid only when approved by two-thirds of the stock of each company to be effected thereby.'"

The motion to concur prevailed.

Senator Beaty moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 97.

On motion of Senator Hale, pending business (Senate bill No. 302) was suspended, and the Senate took up, out of its order, Senate bill No. 97.

The Chair laid before the Senate, on its second reading,

Senate bill No. 97, A bill to be entitled "An Act to regulate the salaries paid to the principals of the three State normal schools located at Huntsville, Denton, and San Marcos, respectively; authorizing the State board of Education to fix the salaries of the teachers of the said State normal schools, and repealing all laws in conflict herewith."

Senator Hale offered the following amendment:

(1) "Amend by adding the following: 'Section 3. There being now no provision for the payment of the salary of the teachers herein mentioned, and the near approach of the adjournment of the Legislature, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.'"

The amendment was adopted.

Senator Hale offered the following amendment:

(2) "Amend caption by adding 'and declaring an emergency.'"

The amendment was adopted.

Senator Hale offered the following amendment:

(3) "Amend Section 1 by striking out the words 'the sum of' in the fourth line, and substitute in lieu thereof the words 'not to exceed the sum of.'"

The amendment was adopted.

Senator Hale offered the following amendment:

(4) "Amend Section 1 by striking out the words 'eighteen hundred' and substitute therefor the words 'two thousand.'"

Senator Savage offered the following substitute for the amendment:

"Strike out '3000' and insert '2500,' and strike out '1800' and insert '1500' to be graded by the board."

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 594, A bill to be entitled "An Act to create a more efficient road

system for Cherokee county," with engrossed rider.

House bill No. 107, A bill to be entitled "An Act to regulate the sale of cocaine and other drugs, to regulate the issuance of prescriptions for such drugs, to require persons selling such drugs upon prescription to file same and keep it, subject to the inspection of the public, and to provide penalties for the violation thereof."

Senate bill No. 293, A bill to be entitled "An Act making appropriations for deficiencies in the appropriations heretofore made for the support of the State government from March 1, 1900, to August 31, 1903, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and for other deficiencies and to make additional appropriations for the support of the State government for the year ending August 31, 1903," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## BILLS READ AND REFERRED.

The Chair had read and referred, after their captions had been read:

House bill No. 594, A bill to be entitled "An Act to create a more efficient road system for Cherokee county, Texas, and requiring the commissioners court to appoint a road foreman for each precinct; prescribing their duties, providing compensation for their services, and requiring that they give bond; providing that the overseers shall summon hands to bring teams, tools, etc., to perform work on the roads; providing compensation for overseers, teams, tools, etc.; providing for the working of county convicts on the public roads; fixing the compensation for such service; providing guards, board, lodging and medical aid for same; giving rewards for the capture of escaped convicts; and giving commutation of sentence for faithful or meritorious service; providing for a special road tax and requiring that no part of the road and bridge fund or of the special road tax created by this act shall ever be diverted to any other purpose; repealing Chapter 70, Acts of the Regular Session of the Twenty-seventh Legislature, and declaring an emergency," with engrossed rider.

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 107, A bill to be entitled "An Act to regulate the sale of cocaine and other drugs, to regulate the issuance of prescriptions for such drugs, to require persons selling such drugs upon prescription to file same and keep it,

subject to the inspection of the public, and to provide penalties for the violation thereof."

Referred to Committee on Public Health.

#### SENATE CONCURRENT RESOLUTION NO. 15.

Senators Wilson and Davidson of Galveston offered the following concurrent resolution:

Senate Concurrent Resolution No. 15, A Concurrent Resolution setting aside a room in the capitol building for the Daughters of the Republic for the preservation of relics, etc.

The resolution was read second time, and,

On motion of Senator Wilson the resolution was adopted.

#### HOUSE BILLS NOS. 244, 439 AND 315 SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 244, "An Act to render more effective and efficient the present road law of the State of Texas, in its application in the county of Jack, and to authorize and empower the said county of Jack to issue bonds for the construction and maintenance of public roads and highways within said county."

House bill No. 439, "An Act to authorize the commissioners court of Dallas county, Texas, to subdivide and re-district Dallas county into convenient school districts, and to designate same by numbers; and to correct all errors in school district lines, and to complete said lines when they are defective, in those school districts now having a special school tax; and providing that said tax shall not be affected thereby; and to provide for changes in school district lines, and the transfer of patrons from one school district to any adjoining district; and for the formation of new districts, and the consolidation of districts."

House bill No. 315, "An Act to amend Section 7, Chapter 80, of an act passed by the Twenty-sixth Legislature, at its Regular Session of 1899, and entitled 'An Act to create a more efficient road system for Wharton and Lavaca counties, in the State of Texas; and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; defining their powers and duties as such; and providing for the appointment of road overseers, and pre-

scribing their duties; and for the working of county convicts on the public roads of such counties; and providing for the payment of officers' fees and rewards and penalties for said convicts; and to provide for the summoning of teams for road work, and for an allowance for time of road service for same; and fixing penalties for the violation of this act,' so as to exempt Lavaca county from the provisions of said section."

House Concurrent Resolution No. 27, requesting the Governor to return House bill No. 406 for correction.

#### SENATE BILL NO. 97.

Question being on the substitute for the amendment, the same was lost by the following vote:

##### Yeas—11.

Cain.	Grinnan.
Davidson of	Martin.
DeWitt.	Mills.
Decker.	Patteson.
Douglass.	Savage.
Faubion.	Sebastian.

##### Nays—13.

Beaty.	Hill.
Brachfield.	McKamy.
Faulk.	Morris.
Faust.	Perkins.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	

##### Absent.

Davidson of	Hicks.
Galveston.	Lipscomb.
Harper.	Paulus.
Henderson.	Wilson.

(Senator Willacy in the chair.)

Question then being on the original amendment, the same was lost by the following vote:

##### Yeas—12.

Beaty.	Hill.
Brachfield.	Lipscomb.
Davidson of	Morris.
Galveston.	Perkins.
Faust.	Stafford.
Hale.	Willacy.
Hanger.	

##### Nays—14.

Cain.	Martin.
Davidson of	McKamy.
DeWitt.	Mills.
Decker.	Patteson.
Douglass.	Savage.
Faubion.	Sebastian.
Faulk.	Wilson.
Grinnan.	

Absent.

Harbison. Hicks.  
Harper. Paulus.  
Henderson.

Senator Savage offered the following amendment:

"Strike out the word 'be,' Section 1, line 1."

The amendment was lost by the following vote:

Yeas—5.

Cain. Mills.  
Decker. Savage.  
Martin.

Nays—21.

Beaty. Hanger.  
Brachfield. Hill.  
Davidson of Lipscomb.  
DeWitt. McKamy.  
Davidson of Morris.  
Galveston. Patteson.  
Douglass. Perkins.  
Faubion. Sebastian.  
Faulk. Stafford.  
Faust. Willacy.  
Grinnan. Wilson.  
Hale.

Absent.

Harbison. Hicks.  
Harper. Paulus.  
Henderson.

Senator Decker offered the following amendment:

"Amend the bill by striking out '\$3000' wherever it occurs and insert in lieu thereof '\$2400,' and by striking out '\$1800' wherever it occurs and insert in lieu thereof '\$1550.'"

Senator Sebastian moved that further consideration of the bill be postponed until April 1st, and be made the second special order at the conclusion of the morning call.

The motion was lost by the following vote:

Yeas—8.

Cain. Patteson.  
Davidson of Savage.  
DeWitt. Sebastian.  
Decker. Wilson.  
Martin.

Nays—21.

Beaty. Harbison.  
Brachfield. Harper.  
Davidson of Hill.  
Galveston. Lipscomb.  
Douglass. McKamy.  
Faubion. Mills.  
Faulk. Morris.  
Faust. Paulus.  
Grinnan. Perkins.  
Hale. Stafford.  
Hanger. Willacy.

Absent.

Henderson. Hicks.

Question being on the amendment by Senator Decker, the same was lost by the following vote:

Yeas—14.

Beaty. Harper.  
Cain. Martin.  
Davidson of Patteson.  
DeWitt. Savage.  
Decker. Sebastian.  
Douglass. Willacy.  
Faubion. Wilson.  
Grinnan.

Nays—15.

Brachfield. Hill.  
Davidson of Lipscomb.  
Galveston. McKamy.  
Faulk. Mills.  
Faust. Morris.  
Hale. Paulus.  
Hanger. Perkins.  
Harbison. Stafford.

Absent.

Henderson. Hicks.

## SIMPLE RESOLUTION.

Senator Faubion offered the following resolution:

Resolved by the Senate, That two hours of each afternoon session shall be devoted to the consideration of local bills now pending, until such bills are disposed of.

The resolution was read and laid on the table subject to call.

## PRIVILEGED MOTION.

Senator Wilson called up Senate bill No. 293 and moved that the Senate concur in the following House amendments:

"Amend the bill by adding after the appropriation to pay new district judges, the following: 'To pay salaries of new district attorneys whose offices were created by the Twenty-eighth Legislature, \$400.'"

The motion to concur prevailed.

## RECESS.

On motion of Senator Davidson of DeWitt, the Senate, at 12:50 o'clock, took a recess until 3 o'clock this evening.

## AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.



## PENDING BUSINESS.

Action recurring on Senate bill No. 97, Senator Savage withdrew his substitute to amendment No. 4.

Senator Wilson moved to reconsider the vote by which amendment No. 4 was lost.

The motion prevailed, and Senator Hale withdrew amendment No. 4.

Senator Hale offered the following amendment:

"Amend Section 1 by striking out '\$3000' wherever it occurs, and substitute in lieu thereof '\$2500.'"

The amendment was adopted.

Senator Decker offered the following amendment:

"Amend the bill by adding after Section 1 the following: 'Provided no salary greater than the above sums shall ever be paid out of any fund or funds, whether State or Peabody, available for the maintenance of the above schools.'"

Senator Savage offered the following substitute for the amendment:

"Provided the Superintendent of Public Instruction shall instruct the several boards of normal schools to apply all moneys, if any, received from the Peabody fund, to the payment of students' board."

Senator Savage withdrew his substitute, and

Senator Decker withdrew his amendment.

Senator Savage offered the following amendment:

"Amend by adding after Section 1, 'provided the Superintendent of Public Instruction shall instruct the several boards of normal schools to apply all moneys, if any, received from the Peabody fund, to the payment of students' board.'"

Senator Decker offered the following substitute to the amendment:

"Amend the bill by adding after Section 1: 'Provided, if any moneys shall be paid the superintendent or teachers from the Peabody fund, or any other source, such sums shall be subtracted from the amount herein fixed to be paid by the State. And in no event shall such superintendent or teacher receive pay greater than sums above named.'"

At this time Senator Morris offered a letter from H. C. Pritchett, and asked that it be published in the Journal.

There being no objection, it was so ordered. (See Appendix for letter in full.)

Question then being on the substitute to the amendment, the same was adopted.

The amendment as substituted was adopted.

The bill was read second time, and ordered engrossed.

On motion of Senator Hale, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Paulus.
Faubion.	Perkins.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	Stafford.
Hale.	Willacy.
Hanger.	Wilson.
Harbison.	

Absent.

Hill.

Patteson.

The bill was read third time, and passed by the following vote:

Yeas—30.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Hill.

Senator Hale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

Senator Stafford offered the following letters, and asked that they be published in the Journal.

There being no objection, the same was ordered.

Washington, D. C., 10/25/1901.

My Dear Sir:

Your interesting letter, with receipt,

just at hand, will be answered after our annual meeting, when great changes are likely to occur. In the mean time, let the \$500, as heretofore, go to payment of Pres. Pritchett's salary.

Yours very truly,  
J. S. M. CURRY.

PEABODY EDUCATIONAL FUND,  
1736 M. ST. N. W.

Washington, D. C., Jan. 2, 1902.

*Hon. Arthur Lefevre, Austin, Texas.*

MY DEAR SIR: With best New Year wishes I send you a check with duplicate receipts. Please date, sign and return the letter.

I wish your advice on two alternative points; first, should I make the gift to Sam Houston \$1500 and the remainder of \$2000 to the new normal, which I am not inclined to do? Or secondly, should a deduction be made from what has been given to teachers' institutes for the benefit of this second normal? I am under a kind of passive instruction to withdraw Peabody aid from Texas, because of its larger revenues for school purposes than are possessed by other Southern States. Thus far in my discretion I have declined to do this, but I fear I shall not be able much longer to resist the pressure which is upon me from within and without.

With best New Year wishes for yourself personally and for the immense work entrusted to your hands, I am,

Yours very truly,  
J. S. M. CURRY.

Washington, D. C., 10/18/1901.

*Hon. Arthur Lefevre, Austin, Texas:*

MY DEAR SIR: I am glad to open an official correspondence with a school officer who has been commended to me so highly for his personal virtues and his intelligent advocacy of the paramount American issue—free schools for all the people.

The documents in your office, a full set of which should be in your library, will show what the fund has done for Texas, and how earnestly and liberally teacher training has been aided in late years. As Texas has so much population and wealth and such a large school fund, Peabody aid will probably be largely diminished. The contraction would have taken place earlier if the Galveston disaster had not appealed so strongly to our sympathies.

I congratulate you on being placed at the head of the educational interest of the Empire State. I can not think of a greater field of usefulness. Unfortunately our public men and politicians are generally ignorant, and therefore inappreciative of the fact that education is

the essential and inalienable right of every citizen, and that to furnish it is the imperative obligation of families, churches and commonwealths.

I hope, next May, if not earlier, to make your acquaintance.

Yours very truly,  
J. S. M. CURRY.

Washington, D. C., January 13, 1902.

*Hon. Arthur Lefevre, Austin, Tex.*

MY DEAR SIR: In the absence of any suggestion from you to the contrary, I wish to say that during the year, I shall be able to give to Sam Houston \$1200 more, to Denton \$800, to Prairie View \$300. I think it proper to repeat what I have said before, that it is highly probable that hereafter Peabody appropriations for Texas will be withdrawn altogether, or greatly diminished. This, of course, will be the result, not of any dissatisfaction with the work done, but because of the vastly superior advantages that Texas has in the way of educational funds.

Yours very truly,  
J. S. M. CURRY.

#### BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate bill No. 180, "An Act to authorize the St. Louis, San Francisco & Texas Railway Company to purchase, own and operate as a part of its line, the railroad of the Red River, Texas & Southern Railway Company, together with all its franchises, property, rights and privileges; the railroad of the Fort Worth & Rio Grande Railway Company, together with all its franchises, property, rights and privileges; the railroad of the Paris & Great Northern Railroad Company, together with all its franchises, property, rights and privileges; the railroad of the Blackwell, Enid & Texas Railway Company, together with all its franchises, property, rights and privileges, and the railroad of the Oklahoma City & Texas Railroad Company, together with all its franchises, property, rights and privileges; or either or any of such railroads, with all of its or their franchises, property, rights and privileges of every kind and character; and to authorize said companies and each or any of them to sell and convey all of its or their said railroads constructed or to be constructed, and all other properties, rights, franchises and privileges, and to authorize said St. Louis, San Francisco & Texas Railway Company to issue and negotiate

its bonds, secured or to be secured by mortgage or mortgages to the amount of the value of the railroads, franchises, property, rights and privileges so purchased, and to the amount of the value of any railroad hereafter constructed by it under the provisions of this act, as fixed, or as the same may be fixed by the Railroad Commission of Texas, and to regulate the reports of said property, and the operation thereof, and to authorize said St. Louis, San Francisco & Texas Railway Company to construct, own and operate as a part or parts of its lines, the unfinished portion or portions of said railroads or either or any of them between the termini as defined in their respective charters; and to construct, own and operate as a part or parts of its line all extensions and branches of said railroads or either or any of them under or as authorized in and by the charter of said St. Louis, San Francisco & Texas Railway Company or any amendment thereof, made or to be made in pursuance of the General Laws of the State of Texas; and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent; and to authorize said companies, and each of them, to execute all necessary contracts, agreements and conveyances to accomplish said purchases and sales."

Senate bill No. 293, "An Act making appropriations for deficiencies in the appropriations heretofore made for the support of the State government from March 1, 1900, to August 31, 1903, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered and for other deficiencies, and to make additional appropriations for the support of the State government for year ending August 31, 1903."

House bill No. 331, "An Act to prohibit any corporation not created under the laws of the State of Texas from constructing, building, operating or maintaining a railroad within the State of Texas."

House bill No. 382, "An Act to create a more efficient road system for Palo Pinto and Bosque counties, in this State, and making the county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the condemnation of material for the construction and maintenance of public roads, and to provide for the compensation of the material used, and providing for the working of county convicts on the public roads, and the purchase of supplies for such convicts, and

rewards for the capture of escaped convicts and for commutation of sentence for faithful service and good behavior; and defining the powers and duties of road overseers; and to provide for the summoning of hands and teams for road work, and the allowance for time for service of hands and teams on public roads, and fixing a penalty for the violation of same, and relieving them from the payment of such work by the payment of three dollars, and providing further for ordering an election to be held in said county by the qualified property tax-paying voters to determine whether or not an additional annual ad valorem tax for road and bridge purposes shall be levied and collected in said counties; making this act cumulative of the general laws now in force, and to repeal all laws in conflict with this act, and declaring an emergency."

House bill No. 413, "An Act to create a more efficient road system for Fort Bend county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon public roads of said county, and providing a penalty for the escape of convicts; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams and road purposes; and providing for the working of delinquent poll tax payers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of three (\$3) dollars; and providing for the levying and collection of a special road tax of fifteen cents on the one hundred dollars valuation on property in Fort Bend county, and providing further, making this law cumulative of the General Laws, and in case of conflict this act to govern as to Fort Bend county, Texas, and creating an emergency."

### THIRD HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to House bill No. 157.

That the House grants the request of the Senate for a Free Conference Committee on House bill No. 65, and appoints the following committee on the part of the House: Murray of Wilson,

Mulkey, Stollenwerck, Calvin and Cottrell.

Respectfully,

MARK LOGAN,

Acting Chief Clerk, House of Representatives.

#### FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 331.

The House has rejected the report of Free Conference Committee to House bill No. 22, and a further free conference is requested, and the following committee has been appointed on part of the House: Davis of San Augustine, Knight, Talbot, Grisham, Bryant.

The House concurs in Senate amendments to House bill No. 94.

The House has adopted House Concurrent Resolution No. 28, requesting the Governor to return House bill No. 444 for correction.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### SENATE BILL NO. 302.

On motion of Senator Hanger, pending business (Senate bill No. 158) was suspended, and the Senate took up, out of its order, Senate bill No. 302.

Senator Faubion moved, as a substitute, to suspend and take up House bill Nos. 45 and 170 (Terrell election bill.)

The substitute motion was voted down, and

The Chair laid before the House on second reading,

Senate bill No. 302, A bill to be entitled "An Act further regulating the amendment of charters of corporations incorporated for the purpose of constructing, owning, operating and maintaining railroads, and to provide for the location, construction, operation and maintenance of additional lines or tracks of railroad necessary to shorten the route or reduce the grades of the tracks of the lines of such companies under and by virtue of such amendments, and regulating the issuance of stocks and bonds to pay for the construction of such lines or tracks of railroad; and to prohibit the attachment of liens theretofore existing upon the property of such additional line or tracks and to provide the manner and means of accomplishing such purposes,"

With the following amendment:

"Amend by adding after the word 'thereof,' in line 27, page 1, the following: 'Provided, no change of tracks or switches of any kind shall be made, or road built, except upon the written permission of the Railroad Commission; and provided said new road built, if authorized, shall not be such a road as would, if owned by another, be a parallel or competing line of railway.'"

Also the following amendment to the amendment:

"Amend the amendment by striking out all after the words 'Railroad Commission.'"

Senator Harper moved that further consideration of the bill be postponed until April 1st, at conclusion of morning call.

The pending amendments, together with the motion to postpone until April 1st, were withdrawn.

Senator Hanger offered the following amendment:

"Amend the bill by striking out all after the word 'entitled,' in line 6, and insert in lieu thereof the following:

"An Act to authorize and empower railroad companies chartered under the laws of the State of Texas to construct, own and operate additional tracks upon their right of way, and to issue stocks and bonds for such purpose.

"Be it enacted by the Legislature of the State of Texas:

"Section 1. That any railroad company chartered under the laws of this State, whenever the Railroad Commission shall find it advisable to authorize it to do so, may construct, own and operate an additional line of road upon its right of way, together with all necessary sidings, switches and turnouts, and may issue stock and bonds, or bonds, in an amount equal to the reasonable cost of such improvements, the same to be issued in accordance with the provisions of Chapter 14, of Title XCIV, of the Revised Civil Statutes of the State of Texas; and the Railroad Commission of the State of Texas is hereby empowered to authorize the execution and issuance of such stock and bonds, or bonds, and in determining the right to issue such stock and bonds, or bonds, the said Commission shall not consider the amount of outstanding stock, indebtedness or bonds previously issued and secured by lien upon the property of such corporation theretofore constructed.

"Sec. 2. The near approach of the close of the present session of the Legislature and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and

that this act take effect from and after its passage, and it is so enacted.'

[Signed "DAVIDSON of Galveston,  
"HANGER."]

The amendment was adopted.

Bill as amended was read second time, and ordered engrossed.

On motion of Senator Hanger, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Beaty.	Harbison.
Brachfield.	Harper.
Cain.	Henderson.
Davidson of	Hicks.
DeWitt.	Lipscomb.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Patteson.
Douglass.	Paulus.
Faubion.	Perkins.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	Stafford.
Hale.	Willacy.
Hanger.	Wilson.

Absent.

Hill.	Morris.
Martin.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Willacy.
Hanger.	Wilson.
Harbison.	

Absent.

Douglass.	Perkins.
Hill.	Stafford.

Senator Hanger moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### ADJOURNMENT.

On motion of Senator Morris, the Senate, at 5:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

#### APPENDIX.

#### COMMITTEE REPORTS.

The following committee reports were offered:

#### ROADS, BRIDGES AND FERRIES.

Committee Room,

Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 594, A bill to be entitled "An Act to create a more efficient road system for Cherokee county,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the bill be not printed.

FAULK, Chairman.

Committee Room,

Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 583, A bill to be entitled "An Act to create a more efficient road system for Houston county,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the bill be not printed.

FAULK, Chairman.

#### AGRICULTURAL AFFAIRS.

Committee Room,

Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Agricultural Affairs, to whom was referred

House bill No. 163, A bill to be entitled "An Act to require operators of cotton gins and public and private weighers of cotton, their agents or lessees, to report to the county judge of their respective counties the number of bales of cotton ginned and weighed by them every fifteen days, as hereinafter provided, and prescribing a penalty for a failure to make said report, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommenda-

tion that it *do not* pass, but that the committee substitute *do* pass, and that the bill be not printed.

S. S. B. No. 163.] [By Committee.

### A BILL

#### TO BE ENTITLED

An Act to require operators of cotton gins, their agents or lessees, to report to the county judge of their respective counties the number of bales ginned and weighed by them every month, as hereinafter provided, and prescribing a penalty for failure to make said reports, and declaring an emergency.

Section 1. Be it enacted by the Legislature of the State of Texas: On the first day of September, 1903, and after the passage of this act, each operator, lessee, manager or controller of a cotton gin within this State shall report to the county judge of his or their respective counties, under oath in writing, the number of bales of cotton ginned by them since the first day of the next preceding May. And all bales weighing less than 300 pounds and all round bales shall by said operator, agent, manager or lessee of said gin be reported as a half bale; provided, that all ginners of cotton or owners, operators, agents or lessees shall make a similar report as herein provided to the county judge of his or their respective county on the first of each month from and including the first day of September, 1903, until the first day of May of each year, when said reports shall be discontinued until the first day of the following September, when said reports shall be continued as herein provided. That every such ginner shall at the time of making his report also approximate and report as early as practicable the per cent. of the cotton of his or their territory that has been ginned, and as nearly as practicable the number of bales he or they, at the time of said report, have to yet gin that season.

Sec. 2. Should any ginner, owner, manager, operator or lessee of such cotton gin fail, neglect or refuse to make such report to the county judge of his county on the first day of each month, as herein provided, or within three days thereafter, he shall upon conviction in a court of competent jurisdiction, be fined in any sum not to exceed fifty dollars, said fine or fines when collected to go to the road and bridge funds of said county or counties in which said fines are collected.

Sec. 3. Upon the first of September, 1903, and the first day of each month thereafter, or within five days thereafter, the county judge of each county within

this State shall prepare and tabulate a report made up from the various reports of the ginners, managers, operators and lessees of cotton gins, showing in a separate report the number of bales of cotton ginned in his county within the past month, the per cent. of cotton ginned, and the per cent. yet to be ginned; the said reports should be made under oath and in writing and directed and forwarded to the Commissioner of Insurance, Statistics and History of this State, at the city of Austin; provided, that said county judge shall receive a fee of one dollar for each report made by him, which shall be paid out of the general county fund of his county by a warrant drawn upon the county treasurer of such county.

Sec. 4. Should any county judge of this State fail, neglect or refuse to make his report as provided in Section 3 of this act, he shall, upon complaint and conviction in a court of competent jurisdiction, be fined in any sum not less than ten nor more than one hundred dollars.

Sec. 5. The Commissioner of Insurance, Statistics and History shall upon receipt of the reports of the county judges of the various counties, and not later than the 10th of each month, prepare, tabulate and make up a report from the reports of the various county judges of the various counties on file in his office, which report shall show the amount of cotton that has been ginned up to and including the last reports of the county judges of the different counties of this State, and the approximate amount of cotton yet to be ginned, and shall forthwith give out to the public press for publication such report, which shall be over his official signature, and cause the same to be published, and shall issue and distribute copies of said reports to the various county judges of the State for general distribution by them.

Sec. 6. The Commissioner of Insurance, Statistics and History shall from time to time provide and furnish to the different county judges of this State the necessary blanks for them, and the operators of gins to make their said reports on, and the expense of same shall be paid out of any money appropriated to defray the expense of public printing for the State.

Sec. 7. There being no law now upon our statutes requiring such reports to be made, and there being no other means by which such information can be had, and there being a great necessity for same, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and the said rule is therefore suspended, and this act shall take

effect from and after its passage, and it is so enacted.

CAIN, Chairman.

#### EDUCATIONAL AFFAIRS.

Committee Room,  
Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Educational Affairs, to whom was referred

House bill No. 111, A bill to be entitled "An Act to amend Article 3938, Chapter 10, Title LXXXVI, of the Revised Civil Statutes of the State of Texas, of 1895, relating to school districts, approved June 6, 1899,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that same be not printed.

(Floor report.)

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Educational Affairs, to whom was referred

Substitute House bill Nos. 115 and 219, A bill to be entitled "An Act to create a State Text-Book Board, and to procure for use in the public schools of the State of Texas a series of uniform text-books; defining the duties of certain officers, and providing penalties for violations of the provisions of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass as amended:

"Amend Section 1 by striking out all after the word 'act,' in line 24, down to and inclusive of the word 'schools,' in line 28.

"Amend Section 4 by adding after the word 'State,' in line 14, the words 'county or school district.'

"Amend Section 3 by striking out all after the word 'given,' in line 12, on page 6.

"Amend Section 1 by striking out all after the word 'adoption,' in line 32, down to and inclusive of the word 'time,' in line 4.

"Amend Section 15 by striking out all after the word 'city,' in line 21, and substitute therefor the following: 'Which does pay, or which may hereafter pay by direct taxation, more than 50 per cent. of the entire amount expended on its public schools; provided, that such dis-

trict, independent school district, or city, which pays, or which may hereafter pay, more than 50 per cent. of the entire amount expended on its public schools, shall adopt a system of text-books to be used in its schools for a period of five years from the time this law goes into effect; provided further, that any such district, independent school district or city which fails to adopt a system of text-books shall not be exempt from any of the provisions of this act, until said district, independent school district or city, shall have adopted a system of text-books as herein provided for.

"Amend Section 5 by adding the following: 'And it is hereby provided that the State shall have the right to terminate said contract whenever the law is repealed or amended, altered or qualified, as to make necessary or expedient that such contract should be revoked, and the contract shall contain a stipulation to that effect.'

"Amend the bill by adding at the close of Section 2 the following: 'Provided, that books by Texas authors or publishers shall have preference, prices and merit being equal to other books offered; and provided, that any book adopted under this provision by reason of fraudulent representations made by author or publisher, contracting for said book, shall be forfeited and another book adopted in lieu thereof.'

"Amend Section 4, line 13, by inserting after the word 'furnish' the words 'and distribute.'

"Amend Section 1 by striking out all after the word Texas,' in line 12, down to and inclusive of the word 'board,' in line 21, and substitute therefor the following: 'The Superintendent of Public Instruction and four other teachers, actually engaged in teaching in Texas, to be selected by the Governor, the Superintendent of Public Instruction and the Attorney General, and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of which each of said teachers shall be paid the sum of five dollars per day and actual traveling expenses while engaged in the actual performance of his duties while serving on said board.'

"Amend by striking out Section 2 entirely and insert in lieu thereof the following:

"Section 2. The text-books selected by said board shall be selected after a careful examination and consideration of all presented and shall be the best text-books in the opinion of said board, taking into consideration merit, price and the general good of the public schools and its patrons; provided, also, that no book shall be taken in exchange that was

not in use in the public schools prior to May 1, 1903, or which was not purchased by book dealers for the session of 1902 and 1903."

STAFFORD, Chairman.

#### INTERNAL IMPROVEMENTS.

Committee Room,  
Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

House bill No. 441, A bill to be entitled "An Act to amend Subdivision 2, of Article 4580, of the Revised Civil Statutes of 1895, and to enlarge the powers of the Railroad Commission relative to passenger train service,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and be not printed.

DAVIDSON of Galveston, Chairman.

#### ENGROSSED BILLS.

Committee Room,  
Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 318, A bill to be entitled "An Act to amend Articles 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3770, 3771 and 3775, Title LXXXI, of the Revised Civil Statutes of the State of Texas, and to add thereto Articles 3776a, 3776b and 3776c, providing penalties for the breach of said title regulating the practice of pharmacy within the State of Texas,"

And find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,  
Austin, Texas, March 23, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 216, A bill to be entitled "An Act to incorporate the trustees of the Independent School District of the city of San Antonio, Texas, under the name of the San Antonio School Board, with power to make contracts, to be a party to actions in courts; to receive gifts, grants, conveyances, donations or devises for use of public free schools of said city and district, and power to levy taxes, to issue and dispose of bonds and provide for payment of same, and to

select text-books and to do all acts authorized by this law."

And find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,  
Austin, Texas, March 23, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 275, A bill to be entitled "An Act to amend Article 5083 of the Revised Statutes of 1895, relating to the taxation of rolling stock of railroad companies,"

And find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,  
Austin, Texas, March 23, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 295, A bill to be entitled "An Act to amend Article 1465, Chapter 21, of the General Laws of 1895, relating to the appointment of receivers by judges of courts of competent jurisdiction, so that Article 1465 shall hereafter read as follows,"

And find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,  
Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 8, To amend Section 9, of Article 8, of the Constitution of the State of Texas,

An find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,  
Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 101, A bill to be entitled "An Act to amend Article 1132, Title XV, of the Code of Criminal Procedure of the State of Texas, relating to fees to be allowed county and district attorneys, and declaring an emergency,"

An find the same correctly engrossed.

PATTESON, Chairman.



## ENROLLED BILLS.

Committee Room,  
Austin, Texas, March 24, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 180, "An Act to authorize the St. Louis, San Francisco & Texas Railway Company to purchase, own and operate as a part of its line, the railroad of the Red River, Texas & Southern Railway Company, together with all its franchises, property, rights and privileges; the railroad of the Fort Worth & Rio Grande Railway Company, together with all its franchises, property, rights and privileges; the railroad of the Paris & Great Northern Railroad Company, together with all its franchises, property, rights and privileges; the railroad of the Blackwell, Enid & Texas Railway Company, together with all its franchises, property, rights and privileges, and the railroad of the Oklahoma City & Texas Railroad Company, together with all its franchises, property, rights and privileges; or either or any of such railroads, with all of its or their franchises, property, rights and privileges of every kind and character; and to authorize said companies and each or any of them to sell and convey all of its or their said railroads constructed or to be constructed, and all other properties, rights, franchises and privileges, and to authorize said St. Louis, San Francisco & Texas Railway Company to issue and negotiate its bonds, secured or to be secured by mortgage or mortgages to the amount of the value of the railroads, franchises, property, rights and privileges so purchased, and to the amount of the value of any railroad hereafter constructed by it under the provisions of this act, as fixed, or as the same may be fixed by the Railroad Commission of Texas, and to regulate the reports of said property, and the operation thereof, and to authorize said St. Louis, San Francisco & Texas Railway Company to construct, own and operate as a part or parts of its lines, the unfinished portion or portions of said railroads or either or any of them between the termini as defined in their respective charters; and to construct, own and operate as a part or parts of its line all extensions and branches of said railroads or either or any of them under or as authorized in and by the charter of said St. Louis, San Francisco & Texas Railway Company or any amendment thereof, made or to be made in pursuance of the Gen-

eral Laws of the State of Texas; and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent; and to authorize said companies, and each of them, to execute all necessary contracts, agreements and conveyances to accomplish said purchases and sales."

And find the same correctly enrolled, and have this day, at 4:20 p. m., presented same to the Governor for his approval.

HALE, Chairman.

The report either misunderstands or misinterprets my evidence. I made a general statement to the Board as to the Peabody Fund before questions were asked. In this I made a number of statements as fully and frankly as I could, and did not guard myself against misconstruction, as I might have done, had I suspected that I was being questioned by unfriendly critics. I told the committee some things that I know merely in a general way.

As to the use of the Peabody Fund in Texas, my information was that Dr. Sears, the Secretary of the Peabody Board, and Dr. Rufus Burleson, the State Agent, in 1879, went to Governor Roberts and suggested the establishment of a normal school in order to make possible a good public school system in Texas. They proposed that if the State would establish a normal school, that the Peabody Education Fund would make a large donation towards the running expenses of the institution. This offer was accepted, and on April 21, 1879, Governor Roberts signed the bill creating the institution. After some time Dr. Bernard Mallon, a distinguished educator of Atlanta, Ga., was elected principal, and the Board of Education congratulated the people of Texas on being able to secure the services of so distinguished a man for so important a place. (See minutes of Board of Education, 1879.)

The law establishing the normal authorized the Board of Education to accept the Peabody money and use it for the institution. The minutes of the Board of Education show that the salaries of the teachers of the normal were fixed by the Board. A certain amount was to be paid to each teacher out of the State appropriation, and a further sum was to be paid to each teacher out of the Peabody Fund, provided a sufficient amount was received from the fund, as promised. This practice of paying the teachers was continued up to a few years ago, when the amount sent by the Peabody Board was so small, and its

continuance was so uncertain, that the plan was adopted of paying the salaries of the faculty out of the State appropriation, and whatever was received from the Peabody Fund, after setting aside \$1,000 to supplement the salary of the principal, was taken as an asset and used to assist the State in paying the salaries promised by the State. As none of the salaries, except that of the principal, exceed those fixed by law, this was done and the Peabody contribution assisted the State in paying the salaries of the teachers. The salary of the principal is fixed by law at \$2,000. From the beginning the Board of Education fixed the salary of the principal at \$2,000 from the State fund, and an additional amount of \$1,000 out of the Peabody Fund. On Dr. Mallon's death, Dr. Smith succeeded him at the same salary. On his resignation, Dr. Baldwin was elected to succeed him at the same salary. (See minutes of Board of Education, July and August, 1891) and the salaries of the teachers were paid partly out of the State appropriation and partly out of the Peabody Fund. This fund was thus used to assist in securing and in paying competent teachers, and on vouchers drawn and approved just as all other vouchers were. It is absolutely certain that these principals could not have been secured for the salary paid them by the State. Dr. Mallon, Dr. Smith and Dr. Baldwin were all distinguished educators whose services were in demand elsewhere. The reflections made upon me render it necessary that I should state the following facts: I served for nine years as Professor of Mathematics in the normal, and my salary was always paid in part out of the State appropriation, and in part out of the Peabody Fund, by order of the Board of Education. In August, 1890, I was elected to a professorship in the Agricultural and Mechanical College, at a salary of \$2,250, with a house and certain other privileges which were estimated to make the place worth about \$2,700. This I declined to accept, and in August, 1890, I was nominated Superintendent of Public Instruction, and on September 1st I was appointed to that office by Governor Ross to fill out the unexpired term of Hon. O. H. Cooper, my salary being \$2,500. In the summer of 1891 I was again offered a chair in the Agricultural and Mechanical College, with salary and allowances as before stated. This I again declined. Dr. Baldwin, in August, 1891, was elected Professor of Pedagogy in the University of Texas. The President of the Local Board of Directors of the Sam Houston Normal Institute, and Hon. Thos. H.

Ball, as a representative of the faculty and citizens of Huntsville, went to Austin and urged the Board of Education to appoint me to the principalship of the normal, and asked me to resign the superintendency and accept the place. For nine years I had been a teacher in the normal, and for a number of years had been vice president of the faculty. I was known to be thoroughly familiar with every detail of the organization and management of the Local Board, the faculty and the citizens of the town were unanimous in urging my selection on account of my previous experience. I was unwilling to resign the important office to which I had been elected by the people of the State, but finally said to the Governor that if he could more readily fill the office of Superintendent of Public Instruction than that of principal of the normal, I would place myself in his hands. This place was tendered me unsolicited, and it was with great reluctance that I consented to resign the office I then held. Five years ago I was, without my knowledge, elected Regent (President) of the Southwestern University, a most important, responsible and honorable position. I declined to accept, as I was so fully identified with the work of the institution that I did not desire to leave it. Many times since I have been asked to apply for other important educational positions, but I have always refused to do so. The members of the present State Board of Education are personally aware that my services have been in demand in other positions. As to the residence which I occupy, I desire to state that six years ago the Local Board felt that as the State had over \$100,000 invested in property here on the grounds of the normal, that some one should reside here. The Board of Education was conferred with, and it was decided that the principal should reside on the grounds to protect the property of the institution. I sold my home and moved to the normal, not in my own interest, but in the interest of the institution. In the years I have been here, I have worked with unremitting zeal for the good of the institution, and have labored earnestly for more than twenty years as teacher and principal in order to make this institution of special value to the public schools of the State. Every county in the State has felt the influence of this institution. The normal at first did not meet with popular favor, but in recent years it has so fully demonstrated its efficiency that it has led to the establishment of two other institutions of the same character. Since these things are so, the report reflecting upon me and my associates in

the faculty is most ungenerous. No mention is made in this report of the excellent work done, of the influence of the institution, etc., etc., but instead the principal and faculty are mentioned in contemptuous terms that are insulting to every teacher in the State. And what is my offense? Simply that I have accepted the salary provided and paid by the Board of Education to my predecessors and promised and paid by the Board of Education to me. (See minutes of Board of Education, August, 1901.) The salary of the principal was always paid monthly in two vouchers. One drawn against the State appropriation, and the other against the Peabody Fund. But each of these alike was approved each month by the proper authorities, just as well as all other vouchers were. This thing has been done monthly for nearly twenty-three years. No objection was ever made. The whole matter was fully explained to visiting legislative committees year after year, and no objection was ever made until four years ago, when Hon. Tarver addressed a letter to the Superintendent of Public Instruction, and another to Dr. Curry, the General Agent of the Peabody Fund, in reference to the matter. Dr. Curry's answer seemed to fully settle the question, but the principal called the special attention of the Senate Committee that visited the institution that session to this thing. This committee found no fault whatever with the plan. Again, other State schools have received aid from this fund, but are not blamed in the report of the Investigating Committee. Why is this school and its faculty singled out for an attack? Neither the principal nor the teachers have anything to do with the distribution of this fund. It is not true that it is sent to us and promptly applied by us to increase our salaries. We have only accepted from the authorized agents such portions of the fund as was sent to us. This fund has been of the greatest service to this institution, and through it to the State. In the early years of the institution, the State appropriation was meager and but for the generous aid of the Peabody Education Fund, the institution could not have secured needed teachers and could not have accomplished the great work it has done for the State. The suggestion that poor students were kept out of scholarships and deprived of an education, because the faculty appropriated the Peabody Fund to its own use and benefit, is untrue. The faculty is incapable of such dishonesty. The Peabody Board did not propose to provide scholarships in this normal. It did propose to aid the State to secure compe-

tent teachers by paying, in part, their salaries, and we gratefully acknowledge our obligations to the Board for the great service it has rendered the State. The minute book of the State Board of Education shows much of this, and Dr. Curry has been fully advised, year by year, of how the Peabody appropriation has been expended. He has never attempted to influence the selection of teachers, but has insisted that they should be competent. He has visited the school many times, and has spoken of it in his reports in the highest terms. The Peabody money was not sent to me but to the State Superintendent. When I was advised that there was a sum in the hands of the State Superintendent to the credit of the normal, I drew vouchers against it for the salaries of the teachers, also I would sometimes try to carry over the Peabody money until the State appropriation was exhausted in order that I might draw against it for salaries in the interval between the end of the fiscal year and the passage of the appropriation bill. A few years ago Dr. Curry advised me that it was a rule of the Board to re-appropriate any unexpended balance. After that I was careful to see that none was carried over and be lost to the school and to the State. The only exception to the method of drawing vouchers against the Peabody Fund, as stated herein, is this: In July, 1900, Superintendent Kendall notified Prof. Estill, Treasurer of the Local Board, that he had in his hands \$1,000, which he was directed by Dr. Curry to pay to the teachers of the normal college, in addition to the salaries received by the State, and that this amount should be distributed in proportion to the salaries received from the State. Prof. Kendall sent the money to Prof. Estill, and Prof. Estill paid it to the teachers as instructed, in 1900 and 1901. As to the criticism on the statement that the Peabody Fund enabled the normal "to secure better teachers than the State could afford to pay for," it may be remarked that no matter how much money the State had, or was able to pay, and no matter how much she paid employes in other institutions, we could expend for the normal only so much as was appropriated by the Legislature, and could not pay salaries out of the State funds in excess of those fixed by law. I submit that when we note the great good done to every section of the State by this institution, one must wonder that it was done with so small an annual expense to the State and that our demands were so moderate. The State may be wealthy, yet the appropriation for this institution has never been excessive. It has been

modest, and has never made large demands on the State. That the salaries in the University are from \$1,200 to \$5,000, as mentioned by this committee, has no bearing on this case, save to show that the salaries paid to the teachers, and especially the principal of the normal school, are not large in comparison to those paid to teachers in other State institutions. In this connection, I may be permitted to call attention to the fact that the salary of the President of the University of Texas is \$5,000; of the President of the Agricultural and Mechanical College, \$3,500 and a residence; of the Denton normal \$2,500, and of the Girls' Industrial school \$3,500. At least I am credibly informed that these are the salaries paid. The salaries of the teachers in the Sam Houston Normal Institute are limited by law. I do not think this is true of any other of the State schools.

H. C. PRITCHETT.

#### FORTY-FIFTH DAY.

Senate Chamber,

Austin, Tex., Wednesday, Mch. 25, 1903.

Senate met pursuant to adjournment. Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.
Harper.	

#### ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.  
R. L. Gilmore  
Amos Wynne.  
W. M. Cobb.  
Eldred McKinnon.  
Mrs. Laura V. Grinnan.  
F. P. Smith.  
Miss Lucy Lane.

C. H. Allen.  
D. F. Hughes.  
Frank Mullins.  
C. J. Kirk.  
Rev. I. S. Davenport.  
Miss May Fant Odom.  
J. C. Son.  
Miss Georgia Sturgiss.  
Miss Hattie Yarbrough.  
Mrs. Hope H. Hawkins.  
Miss Emily Holcomb.  
Mrs. J. R. Van Orden.  
Miss Bessie Goldstein.  
Miss L. Stanley.  
W. T. Pace.  
W. A. Shaw, Jr.  
Lucien Goss.  
Herbert Davenport.  
Chas. Lane.  
Willis Gibson.  
Henry Paulus.  
Evetts Thornhill.  
Walter Savage.  
Willie Gray.  
Jamie Snipes.  
Ed Underhill.  
Will Bartley.  
Reed Pierson.  
Josh Pyles.  
Dan Edwards.  
Ellis Munroe.  
Albert Hill.  
Mark Marsh.  
Jim Hill.

Absent—Excused.

Jas. Sebastian.  
W. E. DeLemar.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday.

On motion of Senator Patteson, the same was dispensed with.

#### FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 22.

The Chair announced the appointment of the following Free Conference Committee on House bill No. 22: Senators Paulus, Sebastian, Martin, Stafford and Harper.

#### HOUSE BILLS NOS. 331 AND 225.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 331, "An Act to prohibit any corporation not created under the laws of the State of Texas from constructing, building, operating or maintaining a railroad within the State of Texas."